

TITLE 43. PROFESSIONS AND BUSINESSES
CHAPTER 19. GEOLOGISTS

43-19-1. This chapter shall be known and may be cited as the “Registration of Geologists Act of 1975”.

HISTORY: Code 1933, § 84-2101A, enacted by Ga. L. 1975, p. 163, § 1.

43-19-2. Purpose of chapter.

In order to safeguard life, health, and property and to promote the public welfare, the practice of geology in this state is declared to be subject to regulation in the public interest. This chapter is intended to introduce qualifying criteria into a previously unregulated professional field. Such action recommends itself through benefits to the safety, health, and property of the people of this state and to the promotion of the public welfare. These benefits are in the fields of geology as related to engineering, ground water, mineral exploration and development, geologic hazards, the further development of the science of geology, and other geologic matters of concern to the people of the state.

HISTORY: Code 1933, § 84-2102A, enacted by Ga. L. 1975, p. 163, § 1.

43-19-3. Definitions.

As used in this chapter, the term:

- (1) “Board” means the State Board of Registration for Professional Geologists.
- (2) “Geologist” means a person engaged in the practice of geology.
- (3) “Geology” means that science which treats of the earth in general; investigation of the earth’s crust and the rocks and other materials which compose it; and the applied science of utilizing knowledge of the earth and its constituent rocks, minerals, liquids, gases, and other materials for the benefit of mankind.
- (4) “Public practice of geology” means the performance of geological service or work such as consultation, investigation, surveys, evaluation, planning, mapping, and inspection of geological work in which the performance is related to public welfare or safeguarding of life, health, property, and the environment, except as specifically exempted by this chapter. A person shall be construed to practice publicly or offer to practice publicly geology, within the meaning and intent of this chapter, who practices any branch of the profession of geology; or who by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a geologist; or through the use of some other title implies that he is a geologist; or that he is registered under this chapter; or who holds himself out as able to perform or who does perform any geological services or work recognized as geology.

- (5) “Qualified geologist” means a person who is not registered under this chapter but who possesses all the qualifications specified in this chapter for registration.
- (6) “Registered certified specialty geologist” means a person who is certified as a specialty geologist under this chapter.
- (7) “Registered geologist” means a person who is registered as a geologist under this chapter.
- (8) “Responsible charge of work” means the independent control and direction, by the use of initiative, skill, and independent judgment, of geological work or the supervision of such work.
- (9) “Subordinate” means any person who assists a registered geologist or a registered engineer in the practice of geology without assuming the responsible charge of work.

HISTORY: Code 1933, § 84-2103A, enacted by Ga. L. 1975, p. 163, § 1.

43-19-4. Creation of board; members.

- (a) A State Board of Registration for Professional Geologists is created, whose duty it shall be to administer this chapter. The board shall be comprised of:
 - (1) Five members who shall be geologists registered under this chapter, one of whom shall be an academic geologist, one a governmental geologist, one a salaried company geologist, one an independent or consultant geologist, and one a geologist at large;
 - (2) A sixth member who shall be appointed from the public at large and who shall have no connection whatsoever with the practice of professional geology; and
 - (3) The commissioner of natural resources, or his designated agent, as a permanent ex officio member.
- (b) The members of the board mentioned in paragraphs (1) and (2) of subsection (a) of this Code section shall be appointed by the Governor, approved by the Secretary of State, and confirmed by the Senate.
- (c) Each member of the board shall be a citizen of the United States and a resident of the State of Georgia.
- (d) The members of the board provided for in paragraphs (1) and (2) of subsection (a) of this Code section shall be appointed by the Governor for terms of five years and until their successors are appointed and qualified. The members of the board holding office on June 30, 1987, shall serve until the expiration of the term for which they were appointed and until their successors have been appointed and qualified. On the expiration of the term of any member, the member’s successor shall be appointed in like manner by the Governor for a term of five years.

- (e) No person shall serve as a member of the board for more than one consecutive five-year term.
- (f) The Governor may remove any member of the board pursuant to the authority of Code Section 43-1-17. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the Governor as provided for in this chapter.
- (g) The members of the board shall, before entering upon the discharge of their duty, subscribe to and file with the Secretary of State the constitutional oath of officers, whereupon the Secretary of State shall issue to each appointee a certificate of appointment.
- (h) Each member of the board shall be reimbursed as provided for in subsection (f) Code Section 43-1-2.

HISTORY: Code 1933, § 84-2514A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2114A, as redesignated by Ga. L. 1976, p. 695, § 1; Code 1933, § 84-2114A.1, enacted by Ga. L. 1980, p. 50, § 1; Ga. L. 1987, p. 603, § 1.

43-19-5. Board meetings; officers.

- (a) The board shall hold such meetings as may be necessary for it to carry out its duties under this chapter. An affirmative vote of a majority of the members present shall be necessary to transact business.
- (b) The board shall annually elect a chairman and vice-chairman. The division director shall be the secretary of the board and, in addition to his duties as prescribed by law, shall perform such other administrative duties as may be prescribed by the board.

HISTORY: Code 1933, § 84-2515A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2115A, as redesignated by Ga. L. 1976, p. 695, § 1; Ga. L. 1987, p. 603, § 2; Ga. L. 2000, p. 1706, § 19.

43-19-6. General powers and duties of board.

In addition to other powers and duties specified in this chapter, the board shall:

- (1) Adopt and amend rules and regulations which may be reasonably necessary for this chapter and the regulation of proceedings before the board. The board and all of its rules, regulations, and procedures are subject to and shall comply with Chapter 13 of Title 50, the “Georgia Administrative Procedure Act”;
- (2) Adopt and have an official seal;
- (3) Issue, renew, and reinstate the certificates of duly qualified persons;
- (4) Initiate investigations for the purpose of discovering violations of this chapter;
- (5) Conduct hearings upon charges calling for the discipline of a licensee or on violations of this chapter;

(6) Adopt a code of professional conduct; and

(7) Have such other powers and duties as are necessary to effectuate this chapter.

HISTORY: Code 1933, § 84-2517A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2117A, as redesignated by Ga. L. 1976, p. 695, § 1; Ga. L. 1987, p. 603, § 3.

§ 43-19-7. Service of appeals, documents, and legal process on division director

All appeals from a decision of the board, all documents or applications required by law to be filed with the board, and any notice or legal process to be served upon the board shall be filed with or served upon the division director at his or her office.

HISTORY: Code 1933, § 84-2516A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2116A, as redesignated by Ga. L. 1976, p. 695, § 1; Ga. L. 2000, p. 1706, § 19; Ga. L. 2008, p. 1112, § 14/HB 1055.

43-19-8 Official records and affidavits as evidence.

All official records of the board, or affidavits by the division director as to the content of such records, shall be prima-facie evidence of all matters required to be kept therein.

HISTORY: Code 1933, § 84-2518A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2118A, as redesignated by Ga. L. 1976, p. 695, § 1; Ga. L. 1987, p. 603, § 4; Ga. L. 2000, p. 1706, § 19.

43-19-9 Code of professional conduct.

Repealed.

§ 43-19-10. Registration required

It shall be unlawful for any person to practice publicly or offer to practice publicly geology in this state, as defined in this chapter, or to use in connection with his name or otherwise assume or advertise any title or description tending to convey the impression that he is a registered geologist unless such person has been duly registered or exempted under this chapter. The right to engage in the practice of geology shall be deemed a personal right, based on the qualifications of the individual as evidenced by his certificate of registration, and shall not be transferable.

HISTORY: Code 1933, § 84-2104A, enacted by Ga. L. 1975, p. 163, § 1.

43-19-11. Application.

An application for registration as a geologist or certification in a specialty shall be made under oath and shall show the applicant's education and a detailed summary of his geologic work. The application shall be accompanied by an application fee fixed by the board.

HISTORY: Code 1933, § 84-2507A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2107A, as redesignated by Ga. L. 1976, p. 695, § 1; Ga. L. 1977, p. 746, § 1; Ga. L. 1987, p. 603, § 6.

43-19-12. Qualifications of applicants.

To be eligible for a certificate of registration, an applicant shall meet each of the following minimum qualifications:

- (1) Be of good ethical character;
- (2) Have graduated from an accredited college or university which has been approved by the board with a major in either geology, engineering geology, or geological engineering; or have completed 45 quarter hours or the equivalent in geological science courses leading to a major in geology, of which at least 36 quarter hours or the equivalent were taken in the third or fourth year or in graduate courses;
- (3) Have at least seven (7) years of professional geological work which shall include a minimum of three years of professional geological work under the supervision of a registered geologist, a registered civil engineer, or other supervision acceptable to the Board. The following criteria of education and experience qualify, as specified, toward accumulation of the required seven years of professional geological work:
 - (A) Each year of undergraduate study in the geological sciences shall count as one-half year of training up to a maximum of two years, and each year of graduate study shall count as a year of training;
 - (B) Credit for undergraduate study, graduate study, and graduate courses, individually or in any combination thereof, shall in no case exceed a total of four years toward meeting the requirements for at least seven years of professional geological work as set forth above;
 - (C) The board may consider, in lieu of the above professional geological work as set out in this paragraph, the cumulative total of professional geological work or geological research of persons teaching at the college or university level, provided that such work or research can be demonstrated to be of a sufficiently responsible nature to be equivalent to the professional requirements required; and
 - (D) The ability of the applicant shall have been demonstrated by his having performed the work in a responsible position as determined by the board. The adequacy of the required supervision and experience shall be determined by the board in accordance with standards set forth in regulations adopted by it; and
- (4) Successfully pass such examinations as are established by the board and which are designed to demonstrate that the applicant has the necessary knowledge and skill to exercise the responsibilities of the public practice of geology.

HISTORY: Code 1933, § 84-2508A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2108A, as redesignated by Ga. L. 1976, p. 695, § 1; Ga. L. 1976, p. 695, § 3; Ga. L. 1987, p. 603, § 7; Ga. L. 1991, p. 1130, § 1.

43-19-13. Examinations.

- (a) Examinations shall be held at least annually.
- (b) The board shall determine the fee for and the scope, form, and content of the examinations provided for under this chapter.

HISTORY: Code 1933, § 84-2510A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2110A, as redesignated by Ga. L. 1976, p. 695, § 1.

43-19-14. Reciprocity.

A person holding a certificate of registration to engage in the practice of geology, on the basis of comparable licensing requirements issued to him by a proper authority of a state, territory or possession of the United States, or the District of Columbia, and who, in the opinion of the board, otherwise meets the requirements of this chapter based on verified evidence may be registered, upon application, without further examination.

HISTORY: Code 1933, § 84-2511A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2111A, as redesignated by Ga. L. 1976, p. 695, § 1.

43-19-15. Issuance of certificates of registration; renewal or replacement.

- (a) The board shall issue a certificate of registration, upon payment of the registration fee as fixed by the board, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this chapter. The issuance of a certificate of registration by the board shall be prima-facie evidence that the person named therein is entitled to all the rights and privileges of a registered geologist while the certificate remains unrevoked or unexpired.
- (b) All certificates shall be renewable biennially at such time as may be designated by the division director. All applications for renewal shall be filed with the division director prior to the expiration date, accompanied by the renewal fee prescribed by the board. A license which has expired for failure to renew may only be restored after application and payment of the prescribed restoration fee.
- (c) A new certificate of registration to replace any certificate lost, destroyed, or mutilated may be issued subject to the rules of the board and payment of a fee set by the board.

HISTORY: Code 1933, § 84-2512A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2112A, as redesignated by Ga. L. 1976, p. 695, § 1; Ga. L. 1976, p. 696, § 6; Ga. L. 1987, p. 603, § 8; Ga. L. 2000, p. 1706, § 19.

43-19-16. Denial, suspension, or revocation of certificate; appeal.

- (a) The board shall have the authority to refuse to grant a certificate to an applicant therefor or to revoke or suspend the certificate of a person registered by the board or to discipline a person registered by the board as provided in Code Section 43-1-19.

- (b) The action by the board in granting or refusing to grant or renew a certificate under this chapter or in revoking or suspending or in refusing to revoke or suspend such a certificate may be appealed in accordance with Chapter 13 of Title 50, the “Georgia Administrative Procedure Act”, to the superior court of the county of domicile of the board; provided that, if the findings of the board are supported by any evidence, such findings shall be accepted by the court.

HISTORY: Code 1933, § 84-2512A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2112A, as redesignated by Ga. L. 1976, p. 695, § 1; Ga. L. 1976, p. 696, § 6; Ga. L. 1987, p. 603, § 8; Ga. L. 2000, p. 1706, § 19.

43-19-17. Reissuance of certificates.

Repealed.

43-19-18. Certification in a specialty.

- (a) In addition to registering as a geologist, qualified persons may also be eligible for certification in a specialty. Such specialties may be created by the board by regulation, with such regulations to contain any required additional qualification. Only a registered geologist is eligible for certification in a specialty. Application may be submitted for both registration as a geologist and certification in a specialty at the same time, but the applicant must be approved for registration as a geologist before being considered for certification in a specialty. The certification in a specialty is dependent, in every case, upon the approval of registration as a geologist.
- (b) An applicant for certification in a specialty shall meet all of the requirements of a registered geologist and such requirements as the board may establish by regulation.

HISTORY: Code 1933, § 84-2509A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2109A, as redesignated by Ga. L. 1976, p. 695, § 1; Ga. L. 1976, p. 695, §§ 4, 5; Ga. L. 1987, p. 603, § 11; Ga. L. 1991, p. 1130, § 2.

43-19-19. Seals.

Each registrant under this chapter, upon issuance of a certificate of registration, may use a seal of such design as is authorized by the board, bearing the registrant’s name and the legend “Registered Professional Geologist” or “Certified (subspecialty) Geologist”. All drawings, reports, or other geologic papers or documents involving the practice of geology, as defined in this chapter, which shall have been prepared or approved by a registered geologist or a subordinate employee under his direction for the use of or for delivery to any person or for public record within this state shall be signed by him and impressed with the seal provided for in this Code section or the seal of a nonresident practicing under this chapter, either of which shall indicate his responsibility for them.

HISTORY: Code 1933, § 84-2513A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2113A, as redesignated by Ga. L. 1976, p. 695, § 1; Ga. L. 1977, p. 746, § 2; Ga. L. 1991, p. 1130, § 3.

43-19-20. Requirement that state and subdivisions contract only with registered geologists.

This state and its political subdivisions, such as a county, a municipality, or a legally constituted board, district, commission, or authority, shall contract for geological services only with persons registered under this chapter or with a firm employing a registered geologist.

HISTORY: Code 1933, § 84-2527A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2127A, as redesignated by Ga. L. 1976, p. 695, § 1.

43-19-21. Subpoena.

Repealed.

43-19-22. Attorney General as legal advisor.

The attorney General of this state or any assistant designated by him shall act as legal advisor of the board.

HISTORY: Code 1933, § 84-2526A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2126A, as redesignated by Ga. L. 1976, p. 695, § 1; Ga. L. 2002, p. 415, § 43.

43-19-23. Filing of complaints.

Repealed.

43-19-24. Exceptions to operation of chapter generally.

Any person, except as specifically exempted below, who shall publicly practice or offer to practice publicly geology in this state is subject to this chapter. The following persons are exempt:

- (1) Persons while engaged solely in teaching the science of geology or engaged in nonpublic geologic research in this state;
- (2) Officers and employees of the United States or this state, practicing solely as such officers or employees; and
- (3) A subordinate to a geologist registered under this chapter or to a registered engineer, insofar as he acts solely in such capacity. This exemption, however, does not permit any such subordinate to practice geology for others in his own right or use the title "registered geologist".

HISTORY: Code 1933, § 84-2105A, enacted by Ga. L. 1975, p. 163, § 1.

43-19-25. Partnership, limited liability, and corporate practice; nonpublic geological services; practice pending action on application for registration.

- (a) This chapter does not prohibit one or more geologists from practicing through the medium of a sole proprietorship, partnership, limited liability company, or corporation. In a partnership limited liability company, or corporation whose primary activity consists of geological services, at least one partner, member, or officer shall be a registered geologists.
- (b) This chapter does not prevent or prohibit an individual, firm, company, association or corporation whose principal business is other than the public practice of geology from employing a nonregistered geologist to perform nonpublic geological services necessary to the conduct of their business.
- (c) This chapter shall not be construed to prevent or to affect:
 - (1) The practice of any profession or trade for which a license is required under any other law of this state; the practice of registered professional engineers from lawfully practicing soils mechanics, foundation engineering and other professional engineering as provided in this title; or licensed architects from lawfully practicing architecture as provided in this title; or
 - (2) The practice of a person who is not a resident of and has no established place of business in this state or who has recently become a resident hereof practicing or offering to practice the profession of geology herein for more than ninety (90) days in any calendar year if the person shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this chapter. Such practice shall continue only for such time as the board requires for the consideration of the applicant for registration.

HISTORY: Code 1933, § 84-2106A, enacted by Ga. L. 1975, p. 163, § 1; Ga. L. 1987, p. 603, § 14; Ga. L. 1993, p. 123, § 40.

43-19-26. Unlawful acts.

- (a) It shall be unlawful for any person other than a registered geologist, a registered certified specialty geologists, or a subordinate under the direction of one of the above to prepare any geologic plans, reports, or documents in which the performance is related to the public welfare or safeguarding of life, health, property, or the environment.
- (b) It shall be unlawful for anyone other than a geologist registered under this chapter to stamp or seal any plans, plats, reports, or other documents with the seal or stamp of a registered geologist or registered certified specialty geologists or to use in any manner the title “registered geologists” or the title of any registered certified specialty geologists unless registered, or registered and certified, under this chapter.
- (c) It shall be unlawful for any person to affix his signature or to stamp or seal any plans, plats, reports, or other documents after the certification of the registrant named thereon has expired or has been suspended or revoked unless the certificate has been renewed or reissued.

HISTORY: Code 1933, § 84-2104A, enacted by Ga. L. 1975, p. 163, § 1; Ga. L. 1976, p. 695, § 2.

43-19-27. Penalty.

Any person who publicly practices or offers to practice geology for others in this state without being registered in accordance with this chapter; any person presenting or attempting to use as his own the certificate of registration or the seal of another; any person who gives any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration; any person who falsely impersonates any other registrant of like or different name; or any person who attempts to use an expired or revoked certificate or registration or who attempts to practice at any time during a period when the board has suspended or revoked his certificate of registration shall be guilty of a misdemeanor.

HISTORY: Code 1933, § 84-2525A, enacted by Ga. L. 1975, p. 163, § 1; Code 1933, § 84-2125A, as redesignated by Ga. L. 1976, p. 695, § 1.

43-19-28. Termination.

Repealed.

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